

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT DEAN STRANDY,

Petitioner,

v.

STEVEN SINCLAIR,

Respondent.

CASE NO. C12-5636BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 20. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) This petition is dismissed as time barred as to any ground for relief other than dismissal of the merged felony murder convictions; that ground for relief is denied pursuant to 28 U.S.C. 2254(b)(2). Any double jeopardy issue was cured by the state court

1 when it vacated petitioner's convictions for felony murder and left the convictions for
2 aggravated murder in place.

3 (3) A certificate of appealability is **DENIED**; and

4 (4) This case is closed.

5 Dated this 4th day of January, 2013.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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